

Message Text

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TO AMEMBASSY PANAMA IMMEDIATE

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E.O. 11652:N/A

TAGS:PN, PFOR, PQ

SUBJECT: CLEARANCE OF NEW MATERIAL FOR BLACKEN'S SPEECH

REF: PANAMA 02350

1. ARA/PAN AND DEPUTY NEGOTIATOR HAVE REVIEWED AND CLEARED
FOLLOWING MATERIAL FOR INCLUSION IN BLACKEN'S APRIL 25
SPEECH AT HOWARD AIR FORCE BASE:

2. THE FOLLOWING EXCERPT WOULD BE USED AS PART OF OPENING
REMARKS: "I HAVE READ A LETTER, NOW BEING CIRCULATED BY
MEMBERS OF A LOCAL CIVIC COUNCIL, WHICH OPPOSES THE TREATY
NEGOTIATIONS USING ARGUMENTS BASED ON SOME OF THESE
MISCONCEPTIONS. BEFORE I PROCEED ANY FURTHER, I WANT TO
DEAL WITH SOME OF THEM.

FIRST: THE LETTER REPEATS THE VIEW THAT THE CANAL
ZONE IS A UNITED STATES TERRITORIAL POSSESSION. WHILE
THIS IS A COMMONLY HELD BELIEF, IT IS NOT ACCURATE.
SINCE 1904, THE UNITED STATES GOVERNMENT HAS
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CONSISTENTLY RECOGNIZED THAT THE CANAL ZONE IS
PANAMANIAN, NOT UNITED STATES, TERRITORY. THE
TRUTH IS THAT THE UNITED STATES WAS GRANTED USE OF
THIS ZONE OF PANAMANIAN TERRITORY AND RIGHTS TO EXERCISE

AUTHORITY "WHICH THE UNITED STATES WOULD POSSESS AND EXERCISE IF IT WERE THE SOVEREIGN." THE CLEAR MEANING OF THESE WORDS IS THAT THE UNITED STATES IS NOT THE

SOVEREIGN. RATHER IT HAS JURISDICTION OVER A PORTION OF TERRITORY WHICH REMAINS PANAMANIAN. INDEED, THIS WAS RECOGNIZED BY BOTH GOVERNMENTS IN ARTICLE 3 OF THE 1936 TREATY WHERE THE ZONE IS DESCRIBED AS "TERRITORY OF THE REPUBLIC OF PANAMA UNDER THE JURISDICTION OF THE UNITED STATES OF AMERICA." IN SUM, PANAMA HAS SOVEREIGNTY WHILE THE UNITED STATES HAS TREATY RIGHTS TO EXERCISE ALMOST COMPLETE JURISDICTION OVER THE ZONE. TO PERSIST IN NOT ACKNOWLEDGING THAT THE ZONE IS PANAMANIAN TERRITORY IS TO AVOID REALITY.

SECONDLY, CONCERN HAS BEEN EXPRESSED THAT THE TREATY NEGOTIATORS MAY SACRIFICE THE LEGITIMATE INTERESTS OF CANAL EMPLOYEES. I CAN ASSURE THEM THAT THE UNITED STATES NEGOTIATORS HAVE THE NEEDS AND CONCERNS OF CANAL EMPLOYEES VERY MUCH IN MIND. THEIR CAREER INTERESTS - AND THEIR PAST SERVICE AND LOYAL DEDICATION - WILL BE RESPECTED AND PROTECTED. LATER ON I WILL SAY MORE CONCERNING THIS IMPORTANT MATTER.

THIRDLY: MANY OF THE FEARS EXPRESSED BY U.S. OPPONENTS OF THE NEGOTIATIONS APPEAR TO BE FOUNDED UPON THE CONVICTION THAT PANAMA AND THE PANAMANIAN PEOPLE ARE ENEMIES OF THE UNITED STATES. THE CONTRARY IS TRUE. PANAMA IS AND HAS BEEN A VALUED PARTNER OF THE UNITED STATES. SHE HAS PROVIDED AN ESSENTIAL INGREDIENT FOR THE CANAL ENTERPRISE - HER TERRITORY AND GEOGRAPHIC POSITION. HOWEVER, PANAMA IS NOW UNHAPPY BECAUSE SHE FEELS SHE HAS NOT BEEN TREATED FAIRLY OR WITH RESPECT.

FINALLY: I HEAR AND READ SO FREQUENTLY THAT THE STATE DEPARTMENT IS DETERMINED AND EVEN EAGER TO SACRIFICE LIMITED OFFICIAL USE
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U.S. NATIONAL INTERESTS BY "GIVING AWAY" THE CANAL ZONE AND THE CANAL WITHOUT REFERENCE TO CONSTITUTIONAL PROCESSES, CONGRESS OR THE WILL OF THE AMERICAN PEOPLE THAT I CANNOT RESIST SAYING A FEW WORDS ABOUT THAT. THE STATE DEPARTMENT IS TRYING TO PROTECT, NOT SUBVERT, U.S. INTERESTS. THE FACTS ARE:
-- THE U.S. POSITION IN THE CANAL TREATY NEGOTIATIONS IS A COORDINATED UNITED STATES GOVERNMENT POSITION WHICH ALL INTERESTED AGENCIES, AND ESPECIALLY THE DEPARTMENTS OF THE ARMY AND OF DEFENSE, HAVE PARTICIPATED IN SHAPING. THE U.S. NEGOTIATORS ARE CARRYING OUT THE INSTRUCTIONS OF THE PRESIDENT

OF THE UNITED STATES.

-- THE POLICY OF THE UNITED STATES IN THE NEGOTIATIONS HAS BEEN DESIGNED TO PROTECT AND PROMOTE U.S. NATIONAL INTERESTS IN THE CANAL, IN PANAMA AND IN LATIN AMERICA. IT IS ABUNDANTLY CLEAR THAT THE 1903 TREATY RELATIONSHIP CREATES PROBLEMS IN PROTECTING U.S. INTERESTS."

3. THE FOLLOWING EXCERPT SUMMARIZES THE CANAL'S IMPORTANCE FOR THE U.S.:

THE U.S. HAS RECIEVED TREMENDOUS MILITARY AND ECONOMIC BENEFITS FROM THE CANAL. TODAY, MAJOR ELEMENTS OF OUR DEFENSE SYSTEM ARE INTERCONTINENTAL BOMBERS AND MISSILES, INCLUDING THOSE ON SUBMARINES, AND OUR TWO OCEAN NAVY IS ORGANIZED INTO TASK FORCES CENTERED AROUND AIRCRAFT CARRIERS WHICH CANNOT GO THROUGH THE CANAL. HOWEVER, IT REMAINS AN IMPORTANT LINE OF COMMUNICATION AND SHORTENS SUPPLY LINES TO POTENTIAL TROUBLE SPOTS.

ECONOMICALLY THE CANAL'S RELATIVE IMPORTANCE TO THE U.S. HAS DECLINED. A RECENT STUDY HAS SHOWN THAT THE VALUE OF THE CANAL TO THE U.S. COMMERCIAL USERS WILL AVERAGE ABOUT \$34 MILLION ANNUALLY IN THE NEXT DECADE. WHEN COMPARED TO THE SIZE OF THE INDUSTRIES USING IT, THE CANAL IS NOT OF GREAT IMPORTANCE IN DOLLAR TERMS. THAT IS, THE CANAL'S IMPACT ON THE DOMESTIC ECONOMY LIMITED OFFICIAL USE
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IS SMALL RELATIVE TO THE SIZE OF THE ECONOMY AS A WHOLE. ASSUMING TRADING PATTERNS CHANGE AND LARGER SHIPS ARE BUILT, THE CANAL'S VALUE RELATIVE TO THE U.S. AND WORLD ECONOMIES WILL DECREASE.

4. AN EXCERPT CONCERNING THE PROTECTION OF U.S. INTERESTS AND OBJECTIVES IN THE TREATY NEGOTIATIONS FOLLOW:

INVARIABLY THE ANSWER HAS BEEN THAT U.S. NATIONAL INTERESTS CAN BEST BE PROTECTED IN A NEW TREATY RELATIONSHIP. THIS IS BECAUSE THE VIABILITY OF THE PRESENT TREATY DEPENDS TO A GREAT EXTENT ON MUTUAL CONSENT AND PANAMA'S LEVEL OF CONSENT HAS DECLINED. TO MINIMIZE THREATS TO THE CANAL WE NEED A NEW TREATY THAT WILL CHANGE THE NATURE OF OUR PRESENCE AND THUS PROMOTE A PEACEFUL AND FRIENDLY ENVIRONMENT, ONE IN WHICH AN ATTACK ON THE CANAL WOULD BE CONSIDERED AS TREASON TO PANAMA.

UNITED STATES OBJECTIVES IN THE CURRENT TREATY

NEGOTIATIONS INCLUDE: -- CONTINUED U.S. CONTROL OVER

OPERATION AND DEFENSE OF THE EXISTING CANAL FOR THE LIFETIME OF THE TREATY.

-- A VIABLE TREATY ARRANGEMENT WHICH PROVIDES FOR AN ENDURING, MUTUALLY ACCEPTABLE RELATIONSHIP WITH PANAMA.

-- GREATER SECURITY FOR THE CANAL.

5. THE EXCERPT QUOTED ABOVE IS FOLLOWED BY A BRIEF, NON-CONTROVERSIAL ONE-PAGE DESCRIPTION OF THE KISSINGER-TACK 8 POINT AGREEMENT. THAT IS "SINCE THE SIGNING OF THE AGREEMENT ON 8 PRINCIPLES LAST YEAR, THE NEGOTIATORS HAVE MADE STEADY PROGRESS. THEY HAVE BEEN NEGOTIATING CONCEPTUAL AGREEMENTS AROUND EACH OF THE MAJOR ISSUES AND ARE NOW ABOUT HALF WAY THROUGH THIS PROCESS. WHEN THE PROCESS IS NEARLY COMPLETED, THE NEGOTIATORS WILL UNDOUBTEDLY HAVE TO REVIEW SOME OF THE EARLIER AGREEMENTS AND READJUST THEM.

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SOME TOUGH ISSUES REMAIN AHEAD. BOTH COUNTRIES HAVE LEGITIMATE INTERESTS WHICH STILL MUST BE RECONCILED. BECAUSE OF THIS, IT IS DIFFICULT TO ESTIMATE WHEN THE NEGOTIATIONS WILL BE COMPLETED.

6. AN EXCERPT ON "SOVEREIGNTY" FOLLOWS:

SOME PEOPLE SAY IF WE GIVE UP "SOVEREIGNTY", I.E. JURISDICTION, WE WOULD JEOPARDIZE OUR CONTROL OVER THE CANAL AND OUR ABILITY TO DEFEND IT. THEY ALSO SAY THAT ONLY A CONTINUATION OF U.S. "SOVEREIGNTY" PROTECTS EMPLOYEE FREEDOMS AND LIBERTIES. I DISAGREE WITH THESE STATEMENTS. ALL WE HAVE NOW ARE RIGHTS BASED ON A TREATY WITH WHICH PANAMA IS EXTREMELY DISSATISFIED. THESE LEGAL RIGHTS WOULD OFFER LITTLE COMFORT OR PROTECTION IN A HOSTILE ENVIRONMENT. WHAT THE UNITED STATES NEEDS AND WILL OBTAIN IN A NEW TREATY ARE THE ESSENTIAL RIGHTS TO OPERATE AND DEFEND THE CANAL AND ITS EMPLOYEES. I MIGHT NOTE THAT OUR MILITARY FORCES, FOR EXAMPLE, OPERATE EFFECTIVELY UNDER STATUS OF FORCES AGREEMENTS IN OTHER PARTS OF THE WORLD WITHOUT "SOVEREIGN" RIGHTS.

THE U.S. WILL GET RID OF THOSE RIGHTS IT DOES NOT NEED TO ACCOMPLISH ITS MISSION IN PANAMA, AND KEEP THOSE RIGHTS WHICH ARE NECESSARY. AND, IT WILL OBTAIN SOMETHING THAT IT DOES NOT NOW HAVE - PANAMANIAN ACCEPTANCE OF THE U.S. PRESENCE. I REPEAT: THE

CANAL WILL HAVE GREATER SECURITY UNDER A NEW
TREATY THAN IT HAS NOW.

7. PROPOSED COMMENTS ON RUMORS AND EMPLOYEE RIGHTS
FOLLOW: SOME OF THE WILD RUMORS CIRCULATING IN THE
CANAL ZONE CONCERNING U.S. PLANS ARE SO INCREDIBLE I
HESITATE TO EVEN DISCUSS THEM. HOWEVER, THEY
HAVE BEEN SO WIDESPREAD LATELY THAT IT HAS BECOME CLEAR
THAT THEY ARE BEING BELIEVED.
BECAUSE THEY STIMULATE FEAR AMONG CANAL EMPLOYEES, I
WILL COMMENT ON A COUPLE OF THEM.

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ONE RUMOR IS THAT THE STATE DEPARTMENT IS PLANNING
TO RENT THE ENTIRE CANAL ZONE AREA TO THE REPUBLIC
OF PANAMA AT THE ANNUAL RATE OF \$1 WITH THE PROVISIO
THAT PANAMA WOULD EXERCISE ALL THE RIGHTS, POWER
AND AUTHORITY WITHIN THE CANAL ZONE "AS IF SHE
WERE THE SOVEREIGN." THIS RUMOR FEEDS THE FEARS OF
CANAL EMPLOYEES AND IS TOTALLY FALSE.

ANOTHER RUMOR IS THAT FOLLOWING THE SIGNING OF A NEW
TREATY IN JUNE THE CANAL ZONE
POLICE AND FIRE DEPARTMENTS, POSTAL SYSTEM AND OTHER
PUBLIC SERVICES WILL BE DISCONTINUED WITHOUT REFERENCE
TO THE TREATY OR CONGRESSIONAL APPROVAL. THIS TOO IS
NOT TRUE. THE STATE DEPARTMENT IS NEGOTIATING A
TREATY WHICH WILL PROTECT AND PROMOTE U.S. NATIONAL
INTERESTS AND WHICH WILL BE SUBMITTED TO THE SENATE
FOR APPROVAL. WITHOUT RATIFICATION OF SUCH A TREATY OR
LEGISLATION BY CONGRESS, NO JURISDICTIONAL TRANSFERS
COULD BE EFFECTED. THE TRUTH IS THAT MANY OF THE
DETAILS IN THE NEGOTIATIONS REMAIN TO BE WORKED OUT
AND MANY ARE A MATTER FOR USG DECISION. THE
CIRCULATION OF SUCH RUMORS IS IRRESPONSIBLE, UNFAIR
TO CANAL EMPLOYEES AND THE US NEGOTIATORS, AND
PREJUDICIAL TO THE BEST INTERESTS OF OUR COUNTRY.

I HAVE ALREADY SAID THAT PROTECTION OF U.S. EMPLOYEE
INTERESTS IS ONE THING THAT THE U.S. NEGOTIATORS KEEP
CONSTANTLY IN MIND. IT CAN BE STATED CATEGORICALLY
THAT THE LEGITIMATE RIGHTS AND INTERESTS OF EMPLOYEES
WILL BE PROTECTED.

THEIR FUTURE IS A MATTER OF IMPORTANT CONCERN TO
PANAMA, AS WELL AS THE UNITED STATES GOVERNMENT. BOTH
GOVERNMENTS WISH TO MINIMIZE THE HARDSHIPS WHICH MAY
BE ENCOUNTERED BY PERSONS AFFECTED. WE RECOGNIZE A
MORAL OBLIGATION TOWARD EMPLOYEES WHO WILL BE

ADVERSELY AFFECTED. BOTH GOVERNMENTS WORKING
TOGETHER AND INDIVIDUALLY WILL SEEK SOLUTIONS FOR
THESE PROBLEMS. I AM AWARE, HOWEVER, AS ARE THE
U.S. AND PANAMANIAN NEGOTIATORS, THAT FEAR, EVEN
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IF UNFOUNDED, IS VERY REAL TO THE PERSONS WHO FEEL
IT. THEREFORE, ALL EFFORTS WILL BE MADE TO PROVIDE
SPECIAL ASSURANCES AND PROTECTION TO CANAL EMPLOYEES.

OCCASIONALLY ONE HEARS OF RUMORS CIRCULATING HERE IN
THE CANAL ZONE ABOUT SOME FICTIONAL SITUATION
SUPPOSED TO HAVE HAPPENED IN PANAMA. I HAVE DIFFICULTY
UNDERSTANDING HOW ANYONE COULD POSSIBLY BELIEVE THESE
STORIES. UNFORTUNATELY A STEADY DIET OF SUCH REPORTS
CREATE A VERY NEGATIVE AND FALSE IMAGE OF PANAMA IN THE
MINDS OF PEOPLE LIVING IN THE ZONE.

ABOUT X AMERICANS LIVE IN PANAMA CITY
UNDER PANAMANIAN JURISDICTION. THEY RUN THEIR
BUSINESSES, LIVE AND PLAY IN PANAMA. THEY LIVE NORMAL,
UNTROUBLED LIVES. IN MY OWN EXPERIENCE, AS FAR AS
VIOLENCE ON THE STREETS IS CONCERNED, PANAMA CITY IS
SAFER THAN MANY CITIES IN THE UNITED STATES. AND AS
FOR THAT CLASSIC, AND OFTEN REPEATED, STORY ABOUT GARBAGE
COLLECTION BEING POOR IN PANAMA, LET ME SAY THAT IN
THE COMMUNITY IN WHICH I LIVE THE GARBAGE IS PICKED
UP SEVEN DAYS A WEEK. WHAT I AM SAYING IS THAT THE FEARS
SOME PEOPLE HAVE ABOUT LIVING UNDER PANAMANIAN
JURISDICTION ARE UNFOUNDED. THEY WILL FIND THAT THEY
CAN LIVE VERY COMFORTABLY AND SAFELY IN A PANAMANIAN
SOCIETY. THEY WILL ENJOY ESSENTIALLY THE SAME
RIGHTS AND LIBERTIES THAT U.S. GOVERNMENT EMPLOYEES
HAVE IN COUNTRIES AROUND THE WORLD. MOREOVER,
PANAMANIANS ARE A FRIENDLY PEOPLE. EVEN UNDER THE
PRESENT UNSATISFACTORY SITUATION THEY DO NOT DISLIKE
INDIVIDUAL AMERICANS. WHAT THEY DISLIKE IS WHAT THEY
PERCEIVE TO BE A U.S. DESIRE TO PERPETUATE AN
UNJUST SITUATION.

8. THE CONCLUSION OF THE DRAFT SPEECH FOLLOWS:

WE MUST FACE THE REALITY THAT MUCH OF THE WORLD LOOKS
UPON OUR PRESENCE AS NOW CONSTITUTED IN THE CANAL ZONE
AS OUT-OF-DATE. THE WORLD HAS CHANGED MUCH
SINCE 1903 WHEN MOST OF THE WORLD'S MAJOR POWERS
HAD EXTENSIVE COLONIAL HOLDINGS AND THE ESTABLISHMENT
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OF JURISDICTION OVER A PORTION OF TERRITORY IN
ANOTHER COUNTRY WAS NOT IN CONFLICT WITH INTERNATIONAL

PRACTICE AT THE TIME. TODAY, THE COLONIAL EMPIRES ARE
GONE AND EXERCISING SOVEREIGN PREROGATIVES OVER
SOMEONE ELSE'S TERRITORY
IS NO LONGER GENERALLY ACCEPTABLE. THE NATURE
OF OUR PRESENCE IN THE CANAL ZONE IS CONTRARY TO OUR
OWN POLITICAL HERITAGE AND THE ANTI-COLONIAL TRENDS
WHICH HAVE CHARACTERIZED WORLD RELATIONSHIPS SINCE
WW II. MOREOVER, CONTINUED EFFICIENT OPERATION OF THE
CANAL DOES NOT REQUIRE PERPETUAL U.S. CONTROL, BUT A
RELATIONSHIP BASED ON MUTUAL RESPECT AND DIGNITY.
INSISTENCE ON PERPETUAL CONTROL IS LIKELY TO CREATE THE
KIND OF HOSTILE ENVIRONMENT WHICH WILL JEOPARDIZE OUR
ABILITY TO OPERATE THE CANAL EFFICIENTLY AND SECURELY.

WE RECOGNIZE THAT NO AGREEMENT CAN ENDURE UNLESS THE
PARTIES TO IT HAVE A STAKE IN MAINTAINING IT. WHY NOT,
THEREFORE, AGREE UPON A TREATY IN WHICH THE TRUE
INTERESTS OF BOTH COUNTRIES ARE RECOGNIZED AND PROTECTED?

I HAVE HEARD IT SAID THAT WITH THE REVERSES THE U.S.
HAS SUFFERED IN SOUTHEAST ASIA, THE MIDDLE EAST AND
ELSEWHERE, THE AMERICAN PEOPLE WILL BE IN NO MOOD TO
"RETREAT" IN PANAMA. MY ANSWER TO THAT IS THAT A
MUTUALLY SATISFACTORY CANAL TREATY WILL BE A FOREIGN
POLICY VICTORY FOR THE U.S., NOT ONLY IN PROTECTING
OUR INTERESTS IN THE CANAL AND PANAMA, BUT ALSO IN
OPENING THE WAY TO IMPROVED RELATIONS WITH ALL
OF LATIN AMERICA. MOREOVER, IT WOULD BE COMPLETELY IN
ACCORD WITH OUR NATIONAL HERITAGE AS IT WOULD RID
US OF A SITUATION THAT HAS BEEN CHARACTERIZED AS
COLONIALIST AND A CARRYOVER FROM THE DAYS OF "GUNBOAT
DIPLOMACY." THROUGHOUT HISTORY WHEN GREAT NATIONS
HAVE FAILED TO ADJUST OLD POLICIES TO NEW REALITIES,
THEY BEGAN THEIR DECLINE. WE ARE CONFRONTED IN PANAMA
WITH A NEW REALITY. LET'S RECOGNIZE IT. KISSINGER

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